

Attorney Docket No. 3600.100 Cont.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of) Examiner: C. Verdier
DAVID A. SPEAR ET AL.)
Appln. No.: 09/874,931)
Filed: June 5, 2001)
For: SWEPT TURBOMACHINERY BLADE) Date: July 19, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR EARLY EXAMINER INTERVIEW

Sir:

The present application seeks reissue of U.S. Patent No. 5,642,985, assigned to United Technologies Corporation. It contains claims corresponding to the claims in U.S. Patent No. 6,071,077, assigned to Rolls-Royce PLC, and was filed for the express purpose of provoking an interference with that patent. Early consideration of the present application and declaration of an interference with U.S. Patent No. 6,071,077 ("the Rolls '077 Patent") is of significant commercial importance to United Technologies Corporation.

The present application is ready for consideration and immediate action by the Examiner. Notice of the filing of the application was published in the Official Gazette on May 14, 2002. Accordingly, the two-month waiting period before action by the Examiner, set forth in Manual of Patent Examining Procedure ("MPEP") § 1441 (8th Ed., Aug. 2001), has expired.

In addition, the present application is a continuation of Application No. 09/343,736, making it appropriate to have an interview prior to the first Office Action. MPEP § 713.02.

The applicants request an interview with the Examiner at his first opportunity to assist him in meeting the requirement for early action imposed on a reissue application presented to provoke an interference with an issued patent.

According to 37 C.F.R. § 1.176, “Applications for reissue will be acted on by the examiner in advance of other applications.” Likewise, MPEP § 1442 provides, “All reissue applications, except those under suspension because of litigation, will be taken up for action ahead of all other ‘special’ applications.” In addition, MPEP § 2307.02 says, “When claims corresponding to claims of a patent are presented, the application is taken up at once and the examiner must determine whether the presented claims are unpatentable to the applicant” See also 37 C.F.R. § 1.607(b) (“When an applicant seeks an interference with a patent, examination of the application ... shall be conducted with special dispatch within the Patent and Trademark Office”).

Specifically, the applicants seek an interview to facilitate the Examiner’s consideration of the attached Supplemental Preliminary Amendment, Information Disclosure Statement, and Request for an Interference. That paper explains why there is an interference-in-fact between the claims of the present application and the claims of the Rolls ‘077 Patent, and why the claims in the present application are patentable over the prior art. It also includes the showing an applicant must make under 37 C.F.R. § 1.607(a) to support declaration of an interference with a patent, and a suggested Form PTO-850 and Interference Initial Memorandum, required of an Examiner by MPEP § 2309.02 when an application is forwarded to the Board of Patent Appeals and Interferences for declaration of an interference.

The applicants’ goal is to maximize the Examiner’s efficiency in considering the present application so that it can be forwarded for declaration of an interference as quickly as possible.

The applicants realize that the Supplemental Preliminary Amendment, Information Disclosure Statement, and Request for an Interference raises numerous issues, and they want to be sure that that any questions the Examiner may have are addressed and that the file contains all of the information he needs to make a decision regarding recommending an interference.

There is still another reason why the Examiner might find it advantageous to act quickly on the present application. He only recently allowed parent Application No. 09/343,736 (the Notice of Allowance was received by the applicants on July 15, 2002), and he will undoubtedly find it more expeditious to consider the present application now rather than needing to reacquaint himself with its subject matter later.

All correspondence should continue to be sent to the attorney named below at the address shown.

Respectfully submitted,



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